STATE OF NEW YORK

9107--A

Cal. No. 1286

IN SENATE

April 26, 2024

Introduced by Sens. MAYER, JACKSON, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- reported favorably from said committee and committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to reserved funds for special educational services for certain children with disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (ii) of paragraph k of subdivision 4 of section 4405 of the education law, as amended by section 19-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

(ii) The tuition methodology established pursuant to this subdivision for the two thousand twenty-two--two thousand twenty-three school year and annually thereafter shall authorize approved providers to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age and preschool students. The amount of funds that may be annually retained shall not exceed the allowable surplus percentage of the approved provider's total allowable and reimbursable costs for services and programs provided to school-age and preschool students for the school year from which the funds are to be retained, as defined in subparagraph (iii) of this paragraph; provided that such funds shall not be recoverable on reconciliation of tuition rates **and provided further that any interest earned or investments realized on such funds shall supplement and not supplant any funds provided by the tuition methodology once retained**. For purposes of this subparagraph, "approved providers" shall mean private residential or non-residential schools for the education of students with disabilities that are located within the state, special act school districts, and programs approved pursuant to section forty-four hundred ten of this article that are subject to tuition rate reconciliation.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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